

REMARKS

The Examiner's comments and rejections have been carefully noted, and the following is submitted in response thereto.

Support for the claim amendments appears in the application at, among other places, application page 3, lines 11-15; page 9, lines 14-22; and page 16, line 17 – page 17, line 10 (which are the same as USPubN 2004/0268418A1 ¶¶ [0006], [0025] and [0046] respectively).

1. Claims 3 and 17, have been amended to change “comprising” to “comprises,” and applicants appreciate the Examiner's careful review that caught this inadvertency.

2. All claims have been amended to require determination at a data center whether to inform a user of available content, wherein the determination is made independent of any request by the user for the available content, but based at least in part on a search for alternate content having subject matter related to subject matter of the content being viewed by the user when the search is conducted.

3. Applicants respectfully submit that neither U.S. Pub. No. US2005/0086688 published April 21, 2005 to Omoigui (Omoigui), or the cited www.zap2it.com web page on <http://web.archive.org> (zap2it.com) disclose

or suggest this functionality. Rather, in Omoigui, viewers are given an opportunity to register their preferences and are notified when such a registered event is taking place (Omoigui, ¶¶ [0008]-[0010]); alternatively it discloses notification based on their viewing habits (Omoigui, ¶ [0011]). Among other things, there is no disclosure or suggestion in Omoigui of presenting a notification based at least in part on a search for alternate content having subject matter related to content the user is viewing at the time the search is made.

The Zap2it.com page discloses Internet functionality that allows a user to search manually on a website for television programs, whereby the user can then manually tune her television to a channel found in the search. However, Zap2it.com fails to show or suggest that when the user conducts that search, the user is viewing any content. Much less does it show or suggest that the user conducts the search or makes any determination based on the content the user is viewing at the time she conducts the search.

4. For the same reasons, Omoigui and Zap2it.com both teach away from the subject matter of the present claims, which relate to presenting a notification based at least in part on a search for alternate content having

subject matter related to content the user is viewing at the time the search is made. Instead, Omoigui teaches that notifications can be sent based on user requests, or based on user viewing habits, rather than what is being viewed at a particular point in time. Zap2it.com teaches that a manual search should be done on a website, based on whatever criteria the user may have in his or her mind at the time she or he is searching, and regardless of whether the user happens to be watching other content at that time. And rather than a notification, a zap2it search is done when the user wants to do the search rather than a data center sending a notification. For all these reasons, both Omoigui and Zap2it.com teach away from the present claimed invention.

5. Finally, there is no reason to combine Omoigui and Zap2it.com to arrive at the claimed method or data center wherein a determination is made to notify a user of alternate content independent of any request by the user for the alternate content, but based at least in part on a search for alternate content having subject matter that is related to subject matter of content being viewed by the user when the search is conducted. The Zap2it user conducts a search on a website when they desire, based on whatever criteria they have in mind, and from there can manually tune to a desired

program; among other things, there is nothing in Zap2it.com that suggests a user should be notified of any alternate content. Additionally, the combination of Zap2it.com internet searching with Omoigui is more likely to lead to the user manually entering the results of the Zap2it search into the Omoigui system as an Omoigui request or an update to the Omoigui data that relate to the user's viewing habits, rather than the claimed functionality of sending a hotkey to a user based on what the user is viewing at the particular time.

Accordingly, applicants respectfully request that the 35 U.S.C. § 102 rejection based on Omoigui and the 35 U.S.C. § 103 rejections based on combination of Omoigui and Zap2it.com be reconsidered and withdrawn.

Identification of Other Applications

This application relates to:

- (1) USSN 10/610,776 filed June 30, 2003,
- (2) USSN 10/742,700 filed December 19, 2003,
- (3) USSN 10/610,938, filed June 30, 2003,
- (4) USSN 10/611,259 filed June 30, 2003,
- (5) USSN 10/611,455 filed June 30, 2003, and
- (6) USSN 10/611,453 filed June 30, 2003.

USSN 10/610,776, USSN 10/610,938, and USSN 10/611,455 have also been allocated to the Examiner. Applicants note that USSN 10/611,259, USSN 10/611,453, USSN 10/742,700 have been allocated to Examiner Jason Salce in Group 2623.

For the Examiner's information, applicants also inform the Examiner that the Assignee of the present application is also owner of the following family of patents and applications:

- (1) USPN 5,818,438 corresponding to USSN 08/428,718 filed April 25, 1995,
- (2) USPN 6,502,242 corresponding to USSN 09/018,767 filed February 5, 1998, which is a divisional of USPN 5,818,438,
- (3) USPN 6,826,775 corresponding to USSN 09/019,534 filed February 5, 1998, which is a divisional of USPN 5,818,438,
- (4) USPN 5,892,508 corresponding to USSN 09/019,531 filed February 5, 1998, which is a divisional of USPN 5,818,438,
- (5) USPN 6,567,982 corresponding to USSN 09/116,325 filed July 15, 1998, which is a continuation of USPN 5,818,438,
- (6) USSN 10/335,835 filed January 2, 2003, which is a divisional of USPN 6,567,982,

(7) USSN 10/335,735 filed January 2, 2003, which is a divisional of USPN 6,567,982, and

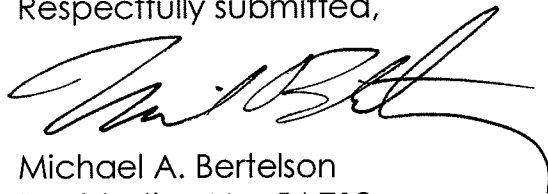
(8) USSN 11/644,045 filed December 22, 2006, which is a continuation of USSN 10/335,835 filed January 2, 2003 which is in turn a divisional of USPN 6,567,982.

Amendment and Response
Serial No. 10/611,454
Filed: June 30, 2003
Page 17 of 17

CONCLUSION

Applicants respectfully request in view of the foregoing that all of
claims 1-21 be allowed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Bertelson", with a long, sweeping horizontal stroke extending to the right.

Michael A. Bertelson
Registration No. 54,713

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309
Telephone: (404) 815-6500